THE CITY OF MYSORE IMPROVEMENT ACT, 1903.

Arrangement of sections.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

Sections.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

OF THE BOARD OF TRUSTEES.

3. Board charged with execution of this Act.
4. Constitution of Board.
5. Names of Trustees to be notified.
6. Term of office of Trustees.
7. Casual vacancies.
   For periods exceeding three months.
   Saving provision for acting appointment when necessary for less than three months.
8. Grounds on which Trustees shall vacate office.
   Restriction on power of Trustees to discuss or vote on matters in which they are interested.
9. Provisions concerning the Board's proceedings.
   Vacancy not to affect proceedings.
   Board to meet and arrange for transaction of business.
   There must be an ordinary meeting once a month or a special meeting whenever necessary.
   Four Trustees to form a quorum.
   Chairman, if present, to preside.
   All questions to be decided by a majority of votes.
   Minutes to be kept.
   Appointment of Committees.
   Acts of Boards, etc., not to be invalidated by informalities.
10. Powers of different authorities.
11. Board may compromise claims by or against them.
12. Duties of Chairman.
13. Appointment of Acting Chairman.

CHAPTER III.

DUTIES AND POWERS.

Improvement Schemes.

14. Power of Board to undertake works and incur expenditure for improvement, etc.
15. Particulars to be provided for in an improvement scheme.

Sections.

16. Procedure on completion of scheme.
Copy of notification of scheme to be communicated to President of the Municipal Council.
Publication of notification.
Service of notices on owners of property to be acquired in executing the scheme.
Notices how to be served.
17. The scheme to be then forwarded to Government for sanction.
Particulars to accompany application for sanction.
Procedure when scheme provides for construction of dwellings for the poorer and working classes.
18. On receipt of sanction declaration to be published giving particulars of land to be acquired.
And upon such publication Board to proceed to execute the scheme.
Board to have power to alter any part of the scheme.
18-A. Payment of betterment fee.
18-B. Assessment of betterment fee by the Board.
18-C. Settlement of betterment fee by arbitrator.
18-D. Fee for arbitrator.
18-E. Powers and duties of arbitrator.
18-F. Board to give notice to persons liable to payment of betterment fee.
18-G. Agreement to make payment of betterment fee a charge on land.
18-H. Recovery of money payable in pursuance of sections 18-B, 18-C or 18-G.
18-I. Board to appoint persons for enforcement of processes for recovery of dues.
18-J. Agreement of payment not to bar acquisition under a fresh declaration.
18-K. Power of Board to take up works for further improvement.
18-L. Crediting betterment fee collected to the funds of the Council in certain cases.

General.

19. Land vested in Municipal Council and required by Board for formation or alteration of street to be vested temporarily in the Board.
20. Board may exercise certain powers of Municipal Councillors in regard to streets, drains, privies, sewers, etc., services of notices, etc., and execution of works and recovery of cost.
20-A. Board and Chairman to exercise powers and functions under the Mysore City Municipalities Act, 1933.
20-B. Power to abate overcrowding.
21. (1) Streets on completion to vest in and be maintained by the Municipal Council
(2) Open spaces reserved for ventilation to vest in and be maintained by the Municipal Council.
(3) Disputes under this section to be determined by Government.
21-A. Making of new private extensions, lay-outs or streets.

Sections.

21-B. Alteration or demolition of extension, lay-out or street.
21-C. Power of Chairman to order work to be carried out or to carry it out himself in default.

Acquisition of land.

22. Board to have power to acquire land by agreement.
23. Provisions applicable to the acquisition of land otherwise than by agreement.

CHAPTER IV.

PROPERTY AND FINANCE.

24. Power of Government to transfer to Board lands belonging to it or to Municipal Council.
Proviso as to resumption of lands required for a public purpose.
25. Power of Board to acquire, hold and dispose of property.
(1) to lease,
(2) to sell and otherwise convey,
(3) and to apply lands vested in them for purposes of improvement schemes.
26. Improvement Fund, and the items to be credited to such fund.
27. Application of the Improvement Fund.
28. Chairman to frame an annual estimate of income and expenditure.
29. Board to sanction or amend such estimate.
30. Estimates to be submitted to Government for sanction.
31. Supplementary estimates may be prepared and submitted when necessary.
32. Provisions regarding expenditure.
33. Accounts to be audited and examined by officer or authority appointed by the Government for this purpose and submitted to Government.
An abstract of the accounts to be furnished to the Municipal Council.

CHAPTER V.

OF THE OFFICERS AND SERVANTS OF THE BOARD.

34. Schedule of officers and servants to be submitted for sanction of Government.
35. Appointments, etc., by whom to be made.
36. The case of lent officers.

CHAPTER VI.

DISSOLUTION OF THE BOARD.

37. (1) Government may dissolve the Board when the purpose of their appointment is fulfilled.
(2) Matters to be dealt with in the order for dissolution.
Vesting of immovable property.

CHAPTER VII.

RULES AND BYE-LAWS, PENALTIES, ETC.

Sections.

38. Power of Government to make rules.
39. Power of Board to make bye-laws.
40. Penalties for infringement of rules and bye-laws.
41. Rules and bye-laws to be exhibited.
41-A. Penalty for permitting overcrowding, etc.
42. Penalty for being interested in contracts with the Board. Proviso.
43. Penalty for obtaining illegal gratification.
44. (1) Cognizance of offences.
(2) Fines to be credited to Improvement Fund.
45. Recovery of sums due to the Improvement Fund
46. (1) Limitation of suits.
(2) Bar of suit for damages in certain cases.

MYSORE ACT No. III OF 1903.

THE CITY OF MYSORE IMPROVEMENT ACT, 1903.

(*As amended by Acts IV of* 1904, *II of* 1909, *VIII of* 1946, *II of* 1952 *and* 14 *of* 1954.)

(PASSED ON THE 4TH DAY OF NOVEMBER 1903.)

An Act for the Improvement of the City of Mysore and to provide space for its future expansion.

Preamble.

Whereas it is expedient to make provision for the improvement and future expansion of the City of Mysore, as well as for the appointment of a Board of Trustees with special powers to carry out the aforesaid purposes; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the "City of Mysore Improvement Act, 1903";

(2) Except as is hereinafter otherwise provided, it extends only to the City of Mysore;

[1](3) It shall come into force on such date as the Government may, by notification in the [2][*Mysore Gazette*], direct.

Definitions.

[2][**2.** In this Act, unless there is anything repugnant in the subject or context,

(1) "betterment fee" means the fee payable under section 18-A in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(2) "Board" means the Board of Trustees for the improvement of the City of Mysore constituted under sections 3 and 4;

(3) "Chairman" means the Chairman of the Board;

1. The Act came into force on the 1st day of December 1903. *Vide* Notification No. 1973–L. F. 75-03, dated the 25th November 1903.
2. Substituted by Act II of 1952.

(4) " The City of Mysore " or " the City " means the area comprised within the limits prescribed by Government from time to time as the municipal limits of the City of Mysore under the Mysore City Municipalities Act, 1933 ;

(5) " Government " means the Government of Mysore ;

(6) " The Improvement Committee " means the Committee appointed in Government Order No. 4168-79—L.F. 36-02, dated the 18th September, 1902, for the purpose of devising a scheme for the improvement of the City of Mysore;

(7) " land " has the same meaning as in clause (*c*) of section 3 of the Mysore Land Acquisition Act, 1 94 ;

(8) " prescribed " means prescribed by rules made under this Act;

(9) " street " includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not ;

(10) " trustee " means a member of the Board ; and

(11) All other words and expressions shall have the meanings respectively assigned to them under the Mysore City Municipalities Act, 1933.]

CHAPTER II.

OF THE BOARD OF TRUSTEES.

Board charged with execution of this Act.

3. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called " The Trustees for the Improvement of the City of Mysore " ; and such Board hereinafter referred to as " the Board " , shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Constitution of Board.

[1][**4** (1) The Board shall consist of ten trustees as follows :—

The Chairman of the Board to be appointed by Government ;

1. Substituted by Act II of 1952.

The Municipal Commissioner of the City Municipal Council, Mysore ;

The Vice-President for the time being of the Municipal Council, Mysore ;

The Director of Public Health in Mysore, Bangalore ;

The Government Architect ;

Three trustees to be appointed by the Government ; and

Two trustees to be elected by the Municipal Councillors of the City out of their own body in the prescribed manner, or in default of election as aforesaid, to be appointed by the Government from among the Municipal Councillors of the City.

(2) Notwithstanding anything contained in any law for the time being in force, the three trustees appointed by the Government and the two trustees elected by the Municipal Councillors to the Board and holding the office of trustees immediately before the commencement of this Act shall be deemed to have been appointed or elected to the Board as constituted under section 4 of the said Act as amended by this Act :

Provided that the aforesaid trustees shall unless they vacate office earlier or are disqualified under the provisions of the said Act, continue to hold office for the term of two years from the date of the *Mysore Gazette* in which their names were first notified under section 5 of the said Act, as trustees of the Board.]

Names of Trustees to be notified.

5. The names of all Trustees [1][constituting the Board] shall be notified in the [1][*Mysore Gazette*].

Term of office of Trustees.

6. (1) The Chairman of the Board shall hold office during the pleasure of Government.

(2) The other Trustees, not being *Ex-officio* Trustees, shall hold office for a term of [1][three] years from the date of the [1][*Mysore Gazette*] in which their names were notified under the preceding section.

Casual vacancies.

7. (1) Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation or disqualification of such Trustee shall be filled up within one month in the same manner, by the same authorities, and subject, so far as may be, to the same

1. Substituted by Act II of 1952.

provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

(2) If a Trustee, other than the Chairman—

For periods exceeding three months.

(*a*) departs from the City with a declared intention of being absent for a period exceeding three months; or

(*b*) becomes from any cause unable to attend the meetings of the Board for a period exceeding three months; or

(*c*) has been absent from the City for a period exceeding three months;

a person shall be elected or appointed to act for such Trustee during his absence or inability or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

Saving provision for acting appointment when necessary for less than three months.

(3) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a period of less than three months in the place of an absent Trustee at the discretion of Government in case the absentee is an appointed Trustee, and on the application of the Board to the Municipal [1][Council] if the absentee is an elected Trustee.

Grounds on which Trustees shall vacate office.

8. (1) Any Trustee who—

(*a*) becomes an insolvent; or

(*b*) is sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not being subsequently reversed or quashed; or

(*c*) obtains any office or place of profit under the Board; or

(*d*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Board, otherwise than by his having merely a share or interest in—

(*i*) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or

1. The word "Council" substituted for the word "Councillors" by Act II of 1952.

(*ii*) any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board; or

(*iii*) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades; or

(*e*) is absent from or unable to attend the meetings of the Board for a period exceeding [1][six consecutive months], or is absent without the permission of the Board from [1][four consecutive ordinary meetings] of the Board; or

(*f*) acts in contravention of the provisions of the next succeeding sub-section; or

(*g*) being an elected Trustee shall cease to be a Municipal [2]Commissioner and is not forthwith re-appointed or re-elected as a Municipal [2]Commissioner;

shall cease to be a Trustee, and his office shall thereupon become vacant.

Restriction on power of Trustees to discuss or vote on matters in which they are interested.

(2) A Trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in the latter part of clause (*d*) of the preceding sub-section, or in which he is interested either professionally on behalf of a client or as agent for any person.

Provisions concerning the Board's proceedings.

9. The following provisions shall be observed with respect to the proceedings of the Board (namely):—

Vacancy not to affect proceedings.

(1) During any vacancy in the Board the continuing Trustees may act as if no vacancy had occurred.

Board to meet and arrange for transactions of business.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to

1. Substituted by Act II of 1952.
2. Sic. should be "Municipal Councillor".

the transaction of business, as they think fit, subject to the following provisions (namely) :—

(*a*) an ordinary meeting shall be held once at least in every month ; — There must be an ordinary meeting once a month or a special meeting whenever necessary.

(*b*) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting ;

(*c*) no business shall be transacted at any meeting unless at least four Trustees are present from the beginning to the end of such meeting ; — Four Trustees to form a quorum.

(*d*) every meeting shall, if the Chairman be present, be presided over by him ; if he be absent, by such one of the Trustees present as may be chosen by the meeting ; — Chairman, if present, to preside.

(*e*) all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes ; — All questions to be decided by a majority of votes.

(*f*) minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the President of such meeting, and shall be open to inspection by any Trustee during office hours. — Minutes to be kept.

(3) The Board may from time to time appoint Committees consisting of the Chairman and such other Trustees as they think fit ; [1][and may, with the approval of the Government, associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice they may desire] and may— — Appointment of Committees.

(*a*) refer to such Committees for enquiry and report any subject relating to the purposes of this Act, or

(*b*) delegate to such Committees by a specific resolution in this behalf, and subject to any bye-laws

1. Inserted by Act II of 1952.

made under clause (*a*) of section 39 (1), any of their powers or duties.

Any Committee so appointed shall conform to any instructions that may from time to time be given to them by the Board and the Board may at any time alter the constitution of any Committee so appointed or rescind any such appointment. The Chairman shall be the President of every such Committee.

Acts of Board, etc., not to be invalidated by informalities.

(4) No act of the Board, or of any Committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

Powers of different authorities.

[1][**10.** (1) The Chairman may on behalf of the Board sanction any estimate, call for tenders or enter into any contract or agreement whereof the value or amount shall not exceed three thousand rupees in such manner and form as, according to law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Board at the next ordinary meeting thereof.

(2) The Board may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds three thousand rupees but does not exceed ten thousand rupees; and where the value of any estimate, contract or agreement exceeds ten thousand rupees the previous sanction of the Government shall be required.

(3) Every contract or agreement on behalf of the Board other than a contract or agreement under sub-section (2) shall be in writing and shall be signed by the Chairman and sealed with the common seal of the Board as hereinafter provided. No contract or agreement unless executed as in this section provided shall be binding on the Board.

1. Section 10 substituted by Act II of 1982.

(4) The common seal of the Board shall remain in the custody of the Chairman who shall personally affix the seal to any contract, or other instrument.]

Board may compromise claims by or against them.

11. The Board may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

Duties of Chairman.

12. The Chairman shall—

(1) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(2) carry into effect the resolutions of the Board ;

(3) keep and conduct the Board's correspondence;

[1][(3-A) carry out and execute such schemes and works as the Government may direct and incur necessary expenditure therefor ;]

(4) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board ; and, to the extent specified in section 35 (1), dispose of all questions relating to the service of such officers and servants, and, their pay, privileges and allowances ;

(5) furnish to Government a copy of the minutes of the Board's proceedings and any returns or other information which Government may from time to time call for.

Appointment of Acting Chairman.

13. During any absence of the Chairman, Government may appoint a person to act as Chairman, and any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

1. Inserted by Act II of 1952.

CHAPTER III.

DUTIES AND POWERS.

Improvement Schemes.

Power of Board to undertake works and incur expenditure for improvement, etc.

[1][**14.** (1) The Board may, subject to the control of the Government,—

(*a*) draw up detailed schemes (hereinafter referred to as "improvement schemes") for the improvement or expansion or both of the areas to which this Act applies;

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

(2) The Board may also from time to time make any new or additional improvement schemes—

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendations of the Municipal Council if the Council places at the disposal of the Board the necessary funds for framing and carrying out any such scheme, or

(iii) otherwise.

(3) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the Government may, whenever they deem it necessary, require the Board to take up any improvement scheme or works and execute it subject to such terms and conditions as may be specified by the Government.]

Particulars to be provided for in an improvement scheme.

15. Every improvement scheme under section 14—

(1) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Board, be necessary for or affected by the execution of the scheme,

(*b*) re-laying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets,

(*c*) draining[2] streets so formed or altered;

1. Substituted by Act II of 1952.
2. The words "and lighting" omitted by Act II of 1952.

(2) may, within the limits aforesaid, provide for—

(*a*) raising any land which the Board may deem expedient to raise for the better drainage of the locality,

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area,

(*c*) the whole or any part of the sanitary arrangements required,

(*d*) the establishment or construction of markets and other public requirements or conveniences; and

(3) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

Procedure on completion of scheme.

16. (1) Upon the completion of an improvement scheme, the Board shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying the [1][land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee] may be seen at all reasonable hours; and shall—

Copy of Notification of scheme to be communicated to President of the Municipal Council.

(*a*) communicate a copy of such notification to the President of the Municipal [2]Council who shall, within thirty days from the date of receipt thereof, forward to the Board, for transmission to Government as hereinafter provided, any representation which the Municipal [2]Councillors may think fit to make with regard to the scheme;

Publication of notification.

(*b*) cause a copy of the said notification to be published during three consecutive weeks in the [1][*Mysore Gazette*], and posted up in some conspicuous part of their own office, the Deputy Commissioner's office, the office of the Municipal [2]Council and in such other places as the Board may consider necessary.

1. Substituted by Act II of 1952.
2. The words "Council" and "Councillors" were substituted for the words "Commission" and "Commissioners" by Act II of 1909.

[1][(2) During the thirty days next following the day on which such notification is published in the *Mysore Gazette*, the Board shall serve a notice on every person whose name appears in the assessment list of the Municipality or local body concerned or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, stating that the Board proposes to acquire such building or land or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice, stating whether the person so served dissents or not, to such acquisition of the building or land or to the recovery of such betterment fee, and if the person dissents, the reasons for such dissent.]

(3) Such notice shall be signed by, or by the order of, the Chairman and shall be served—

Notices how to be served.

(*a*) by delivery of the same personally to the person required to be served, or if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building ; or

(*b*) by leaving the same at the usual or last known place of abode or business of such person as aforesaid ; or

(*c*) by post addressed to the usual or last known place of abode or business of such person.

The scheme to be then forwarded to Government for sanction.

17. (1) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme, the Board shall, after consideration of any representation or answer received under section 16 and after inserting in the scheme such modifications as they may think fit, apply to Government for sanction to the scheme.

Particulars to accompany application for sanction.

(2) The application for sanction shall, save in the case provided for in sub-section (3) be accompanied by—

(*a*) description with full particulars of the scheme including the reasons for any modifications inserted therein ;

1. Substituted by Act II of 1962.

(*b*) complete plans and estimates of the cost of executing the scheme ;

(*c*) a statement specifying the land proposed to be acquired ;

(*d*) any representation received under sub-section (1) of section 16 ;

(*e*) a schedule showing the rateable value, as entered in the Municipal assessment-book, at the date of the publication of a notification relating to the land under section 16, or the land assessment, of all land specified in the statement under clause (*c*) ; and

(*f*) such further particulars, if any, as may be prescribed by Government.

Procedure when scheme provides for construction of dwellings for the poorer and working classes.

(3) When under any improvement scheme provision in made for the construction of dwellings for the poorer and working classes, the Board may, after complying with the provisions of section 16, forthwith submit to Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of section 18 shall, with all necessary modifications, be applicable to the part of the scheme providing for the construction of such dwellings, as if such part were the scheme.

On receipt of sanction declaration to be published giving particulars of land to be acquired.

18. (1) (*a*) On receipt of the sanction of Government, the Chairman shall forward a declaration for notification under the signature of a Secretary to Government, stating the fact of such sanction and that the land proposed to be acquired by the Board for the purposes of the scheme is required for a public purpose.

(*b*) The declaration shall be published in the [1][*Mysore Gazette*] and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area and the place where a plan of the land may be inspected.

And upon such publication Board to proceed to execute the scheme.

(*c*) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Board shall, upon the publication of the said declaration, proceed to execute the scheme.

1. Substituted by Act II of 1952.

Board to have power to alter any part of the scheme.

(2) (*a*) If at any time it appears to the Board that an improvement can be made in any part of the scheme, the Board may alter the scheme for the purpose of making such improvement, and shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(*b*) If the estimated net cost of executing the scheme as altered exceeds, by a greater sum than [1][five per cent,] the estimated net cost of executing the scheme as sanctioned, the Board shall not, without the previous sanction of Government, proceed to execute the scheme as altered.

(*c*) If the scheme as altered involves the acquisiton, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under section 17 (2) (*e*), the provisions of sections 16 and 17 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

Payment of betterment fee.

[2][**18-A.** (1) When by the making of any improvement scheme, any land in the area comprised in the scheme, which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme estimated as if the land were clear of buildings, exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-third of such increase in value.

Assessment of betterment fee by the Board.

18-B. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that, for the purpose of determining such fee, the execution of the scheme shall be deemed to have been completed

1. The words " five per cent " substituted for the letters and figure " Rs. 2,500 " by Act II of 1952.
2. Sections 18-A to 18-L inserted by Act II of 1952.

and shall, thereupon, give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (*2*) of section 16 or to the successor-in-interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 18-A.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (*2*), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required under sub-section (*2*) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

18-C. (1) If the Government are satisfied after such inquiry as they think fit that any arbitrator appointed under sub-section (4) of section 18-B has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board and such award shall, subject to the provisions of sub-section (*4*), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within one month from the date of the communication thereof, appeal to the District Judge, Mysore Division, whether the case arises within or outside the limits of the City and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

18-D. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilised.

Powers and duties of arbitrator.

18-E. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate the substance of his award in writing to the parties concerned :

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

18-F. When the amount of all betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 18-B or 18-C, as the case may be, the Board shall, by a notice in writing, to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date.

Agreement to make payment of betterment fee a charge on land.

18-G. (1) Any person liable to pay a betterment fee in respect of any land, may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of four per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 18-F.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the

existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at six per cent per annum up to the date of such payment.

Recovery of money payable in pursuance of section 18-B, 18-C or 18-G.

18-H. All moneys payable in respect of any land by any person in respect of a betterment fee under section 18-B or section 18-C or by any person under the agreement executed in pursuance of sub-section (1) of section 18-G, shall be recoverable by the Board (together with interest due, up to the date of realization at the rate of four per cent per annum) from the said person or his successor-in-interest in such land in the manner provided by the Mysore City Municipalities Act, 1933, for the recovery of taxes and if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Board to appoint persons for enforcement of processes for recovery of dues.

18-I. The Board may direct by what authority any powers or duties incident under the Mysore City Municipalities Act, 1933, to the enforcement of any process for the recovery of taxes, shall be exercised and performed when that process is employed under section 18-H.

Agreement of payment not to bar acquisition under a fresh declaration.

18-J. If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 18-B, or has been made after its determination under section 18-C or in respect of which an agreement in regard to the betterment fee has been

executed under section 18-G, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Mysore Land Acquisition Act, 1894.

Power of Board to take up works for further improvement.

18-K. Notwithstanding anything contained in any other provisions of this Act, the Board may, with the previous sanction of the Government, take up such works in regard to any area as the Board considers necessary or desirable for the further improvement of that area:

Provided that the municipal council shall be consulted if such area lies within the limits of the City.

The expenditure incurred or proposed to be incurred or such portion thereof, as may be determined by the Board and approved by the Government in carrying out such works, may be recovered by a *pro rata* levy on the owners of properties benefited by such works as may be determined by the Board. The said sum may be recovered as any other sum due to the Board under the provisions of this Act.

Crediting betterment fee collected to the funds of the Council in certain cases.

18-L. Where the increase in value of any land is the result of the execution of an improvement scheme made on the recommendation of the municipal council and for which the Council has placed at the disposal of the Board the necessary funds for framing and carrying out such schemes, the betterment fee collected by the Board from the owners of such land shall be credited by the Board to the municipal fund of the council.]

General.

Land vested in Municipal Council and required by Board for formation or alteration of street to be vested temporarily in the Board.

19. Whenever under any improvement scheme the whole or any part of an existing public street or other land vested in the Municipal [1]Council [2]is included in the site of any part of a street to be formed, altered, widened, diverted, raised, re-arranged or re-constructed by the Board, the Board shall give notice to the President of the Municipal [1]Council that the whole or a part, as the case may be, of such existing street or other land (hereinafter called the " part required ") is required by them as

1. The words "Council" and "Councillors" were substituted for the words "Commission" and "Commissioners" by section 2 of the Act II of 1909.
2. The word "Councillors" substituted by the word "Council" by Act II of 1952.

part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (1) of section 21, be vested in the Board :

Provided that nothing in this section contained shall be deemed to affect the rights or powers of the Municipal[1] Council[2] under the [3][Mysore City Municipalities Act, 1933,] in or over any municipal drain or water work.

Board may exercise certain powers of Municipal Councillors in regard to streets, drains, privies, sewers, etc., service of notices, etc., and execution of works and recovery of cost.

[4][**20.** The provisions of sections 41, 50, 90 to 93, 113, 116, 118, 119 and 121 to 125, of the Municipal Act VII of 1906, in regard to streets ; of sections 99 to 105, 107 (1), 108, 109, 111 and 112 in regard to drains, privies, sewers, etc., of section 154 in regard to the service of notices, etc., and of section 156 in regard to the execution of works when the owner or occupier fails to execute the same and the recovery of the expenses thereof from him shall, so far as may be consistent with the tenor of this Act, apply,

(*a*) to streets, drains, privies, sewers, etc., or parts thereof vested in the Board under this Act, and

(*b*) to the service of notices, the execution of works and the recovery of expenses by the Board under this Act ; and all references in the said provisions to the Municipal[5] Councillors or other Municipal authority shall be construed as references to the Board.]

Board and Chairman to exercise powers and functions under the Mysore City Municipalities Act, 1933.

[6][**20-A.** (1) In any area or part thereof to which this Act applies, the Government may, by notification in the *Mysore Gazette*, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any, as may be specified in the notification :—

(i) the powers and functions of the municipal council or a committee thereof under the Mysore City Municipalities Act, 1933, shall be exercised and discharged by the Board ; and

---

1. The words "Council" and "Councillors" were substituted for the words "Commission" and "Commissioners" by section 2 of Act II of 1909.
2. The word "Councillors" substituted by the word "Council" by Act II of 1952.
3. These words were substituted for the original by Act II of 1952.
4. This section was substituted for the original by section 4 of Act of II of 1909.
5. The word "Councillors" was substituted for the word "Commissioners" by section 2 of Act II of 1909.
6. Section 20-A inserted by Act II of 1952.

(ii) the powers and functions of the Commissioner of the municipal council under the said Act, shall be exercised and discharged by the Chairman :

Provided that the municipal council shall be consulted before making such declaration.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the municipal council or any committee thereof or the Commissioner of the municipal council, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman, as the case may be, by such declaration.

(3) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3), shall be subject to such limitations, conditions and control, as may be laid down by the Board or the Chairman, as the case may be.]

Power to abate overcrowding.

[1]**20-B.** (1) The Board may, at any time in manner hereinafter prescribed, take steps to abate overcrowding in buildings within any area comprised in an improvement scheme.

(2) Whenever the Board consider the interior of a building is so overcrowded as to be, or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Board may cause proceedings to be taken before a Magistrate of the First Class for the purpose of obtaining an order to prevent such overcrowding.

(3) Such Magistrate may, on the production of a certificate by a Medical Officer duly authorised or empowered by the Board or the Government, stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other

1. Renumbered as section 20-B by Act II of 1952.

inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(4) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall for the purpose of sub-section (3) be deemed to be the owner of the building.

(5) It shall be incumbent on any owner to whom any requisition is issued under sub-section (3), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

Streets on completion to vest in and be maintained by the Municipal Council.

21. (1) [1][The Government after consulting the Municipal Council] shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any scheme sanctioned by Government and that such lamps, lamp-posts and other apparatus as are in [1][their opinion] necessary for the lighting thereof and should be provided by the Board have been so provided, declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be in the Municipal[2] Council,[3] and Municipal [2]Council[3] shall thenceforward maintain, keep in repair, light and cleanse such street.

Open spaces reserved for ventilation to vest in and be maintained by the Municipal Council.

(2) Any open space reserved for ventilation in any part of the City, and provided by the Board as part of any improvement scheme sanctioned by Government, shall be transferred on completion to the President of the Municipal [2]Council for maintenance at the expense of the Municipal [2]Council[3] and shall thereupon vest in the Municipal [2]Council.[3]

Disputes under this section to be determined by Government.

(3) Any dispute which arises between the Board and the President of the Municipal [2]Council in respect of any of the provisions of this section shall be determined by Government whose decision shall be final.

1. Substituted by Act II of 1952.
2. The words "Council" and "Councillors" were substituted for the words "Commission" and "Commissioners" by section 2 of Act II of 1909.
3. The word "Council" substituted for the word "Councillors" by Act II of 1952.

Making of new private extensions, lay-outs or streets.

[1][**21-A.** (1) Notwithstanding anything to the contrary contained in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon without the express sanction in writing of the Board and except in accordance with such conditions as the Board may specify :

Provided that where any such extension or lay-out lies within the limits of the City, the Board shall not sanction the formation of such extension or lay-out without the concurrence of the Council :

Provided further that where the Council and the Board do not agree on the formation of or the conditions relating to the extension or lay-out, the matter shall be referred to the Government whose decision thereon shall be final.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the Chairman, a written application with plans and sections showing the following particulars :—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces ;

(*b*) the intended level, direction and width of the streets ;

(*c*) the street alignment and the building line, and the proposed sites abutting the streets ;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water-supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Board.

(4) Within six months after the receipt of any application under sub-section (2), the Board shall, either sanction the forming of the extension or lay-out or making of the street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

1. Section 21-A to 21-C inserted by Act II of 1953.

(5) The Board may require the applicant to deposit before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water-supply and lighting and the charges for such other purposes as such applicant may be called upon by the Board, provided the applicant also agrees to transfer the ownership of the roads, drains, water-supply mains and open spaces laid out by him to the Board permanently without claiming any compensation therefor.

(6) Such sanction may be refused,—

(*i*) if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the Board, likely to be made for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the Board;

(*ii*) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3); or

(*iii*) if the proposed street is not designed so as to connect at one end with a street which is already open;

(*iv*) if the lay-out, in the opinion of the Board, cannot be fitted with any existing or proposed expansion or improvement schemes of the Board.

(7) No person shall form a lay-out or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Board. If the Board requires further information from the applicant, no steps shall be taken by him to form the lay-out or make the street, until orders have been passed by the Board after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Board has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Board does not refuse sanction within six months from the date of receipt of the application under sub-section (2) or from the date of receipt of all information asked for under sub-section (7), such sanction shall

be deemed to have been granted and the applicant may proceed to form the extension or lay-out or to make the street, but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1) or makes any street without or otherwise than in conformity with the orders of the Board under this section, shall be liable on conviction, to a fine which may extend to one thousand rupees.

Alteration or demolition of extension, layout or street.

21-B. (1) If any person forms an extension or layout or makes any street referred to in section 21-A or puts up any building without or otherwise than in conformity with the orders of the Board under section 21-A, the Chairman may, whether or not the offender be prosecuted under this Act, by notice :—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Chairman on or before such day as may be specified in the notice, why such extension, lay-out or street, should not be altered to the satisfaction of the Chairman or if such alteration be deemed impracticable by the Chairman, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the Chairman, either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Chairman why such extension, lay-out or street, should not be so altered or demolished, the Chairman may pass an order directing the alteration or demolition of such extension, lay-out or street.

Power of Chairman to order work to be carried out or to carry it out himself in default.

21-C. (1) The Chairman may,

(*a*) if any person who applied for permission under section 21-A and is permitted expressly by the Board to carry out himself the works relating to the forming of the extension or lay-out or the making of a street does not so carry it out; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Chairman;

by notice, require the person forming the extension or lay-out or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the buildings, to carry out any work which, in his opinion, may be necessary and within such time, as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Chairman may, if he thinks fit, execute it himself or cause it to be executed, and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1), in such proportions as may be determined by the Chairman. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue.]

Acquisition of land.

Board to have power to acquire land by agreement.

22. Subject to the provisions of this Act, it shall be lawful for the Board to agree with the owners of any land or of any interest in land, whether situated within or without the City, needed by the Board for the purposes of this Act for the purchase of such land or of any interest in such land.

Provisions applicable to the acquisition of land otherwise than by agreement.

23. The acquisition otherwise than by agreement of land within or without the City under this Act shall be regulated by the provisions, so far as they are applicable, of the Land Acquisition Act, 1894, and by the following further provisions, namely :—

(1) Upon the passing of a resolution by the Board that an improvement scheme under section 14 is necessary in respect of any locality, it shall be lawful for any person either generally or specially authorised by the Board in this behalf and for his servants and workmen, to do all such acts on or in respect of land in that locality as it would be lawful for an officer duly authorised by Government to act

under section 4 (2) of the Land Acquisition Act, and for his servants and workmen, to do thereunder; and the provision contained in section 5 of the said Act shall likewise be applicable in respect of damage caused by any of the acts first mentioned.

(2) The publication of a declaration under section 18 shall be deemed to be the publication of a declaration under section 6 of the Land Acquisition Act.

(3) For the purposes of section 50 (2) of the Land Acquisition Act, the Board shall be deemed to be the local authority concerned.

(4) After the land vests in the Government under section 16 of the Land Acquisition Act, the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the Board agreeing to pay any further costs which may be incurred on account of the acquisition, transfer the land to the Board, and the land shall thereupon vest in the Board.

CHAPTER IV.

PROPERTY AND FINANCE.

Power of Government to transfer to Board lands belonging to it or to Municipal Council.

24. The Government may, from time to time, for the purposes of this Act and subject to such limitations and conditions as it may impose and to the provisions hereinafter contained, transfer to and vest in the Board any land belonging to Government or to the Municipal [1][Council][2]:

Proviso as to resumption of lands required for a public purpose.

Provided that any such land not already conveyed or agreed to be conveyed by the Board, which shall be required by Government or the Municipal [1][Council][2] for a public purpose, may at any time be resumed by Government, or by the Municipal [1][Council][2] with the previous sanction of Government, as the case may be, on such terms, if any, as the Government may determine.

1. The word "Councillors" was substituted for the word "Commissioners" by Act II of 1909.
2. The word "Council" was substituted for the word "Councillors" by Act II of 1952.

Power of Board to acquire, hold and dispose of property.

[1][**25.** (1) The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or outside the City, and shall also subject to the restrictions contained in sub-section (2), have power—

To lease

(*a*) to let on hire or lease any moveable or immoveable property, which may have become vested in or acquired by them ;

To sell and otherwise convey.

(*b*) to sell and otherwise convey, with or without any conditions, any moveable or immoveable property which may have become vested in or acquired by them ; and

And to apply lands vested in them for purposes of improvement schemes.

(*c*) to appropriate or apply the whole or any part of the lands which may have become vested in or acquired by them, for the formation of open spaces, or for building purposes, or in any other manner for the purposes of any improvement scheme.

(2) No free grant of moveable or immoveable property shall be made without the previous sanction of Government being obtained in this behalf.]

Improvement Fund, and the items to be credited to such fund.

26. (1) The rents, profits and sale proceeds, of all lands, buildings and other property vested or vesting in or acquired by the Board under this Act shall be credited to a fund to be called " the City of Mysore Improvement Fund."

(2) There shall also be credited to the said fund—

(*a*) such sums as may be placed by Government at the disposal of the Board from time to time for the purposes of this Act ; and

(*b*) such contributions from the Municipal Fund as the Municipal [2][Council][3] may from time to time be called upon by Government to make, on a consideration by Government of the relief or addition to the municipal resources accruing or likely to accrue as the result of improvement schemes undertaken by the Board.

---

1. Substituted by Act 14 of 1954.
2. The word " Councillors " was substituted for the word " Commissioners " by Act II of 1909.
3. The word "Council" was substituted for the word "Councillors" by Act II of 1952.

[1][(*c*) Subject to the provisions of section 18-L betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act.]

Application of the Improvement Fund.

27. (1) The said fund shall be held by the Board in trust, and shall be applied by them, subject to the general or special orders of Government, in payment of the charges incidental to the carrying out of the purposes of this Act.

(2) Such charges shall be held to include, among other things—

(*a*) the cost, if any, of maintaining a separate establishment for the collection of the rents and profits and other proceeds of property vested or vesting in or acquired by the Board under this Act;

(*b*) the cost of petty and other establishments, not being part of the scheduled staff necessary for the supervision of properties or other revenue purposes;

(*c*) the cost of management including the salaries and allowance of the scheduled staff, and all incidental expenses; and

(*d*) all payments made by the Board in respect of rates and taxes levied under the [2][Mysore City Municipalities Act, 1933,] upon lands and buildings vested in the Board and not subject to exemption.

(3) The Board may also, from time to time, and in accordance with the rules framed by Government under section 38, make advances from the said fund for the purpose of enabling persons not being Government servants to provide themselves with houses or other accommodation.

Chairman to frame an annual estimate of income and expenditure.

28. (1) The Chairman shall, at a special meeting to be held not later than the first day of [2][February] in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of [2][April] then next ensuing, in such detail and form as the Board shall from time to time direct.

1. Added by Act II of 1952.
2. Substituted by Act II of 1952.

(2) Such estimate shall make provision for the efficient administration of this Act and shall be completed, and a copy thereof sent by post, or otherwise to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

Board to sanction or amend such estimate.

29. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

Estimates to be submitted to Government for sanction.

30. The estimate, as sanctioned by the Board, shall be submitted to Government, who may, if they think fit, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same and shall resubmit the estimate so amended to Government. A copy of the estimate [1][as sanctioned by the Government] shall be sent to the President of the Municipal [2]Council.

Supplementary estimates may be prepared and submitted when necessary.

31. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to Government, and a copy shall be sent to the President of the Municipal [2]Council in the same manner as if it were an original annual estimate.

Provisions regarding expenditure.

32. No sum shall be expended by or on behalf of the Board, unless included in some estimate at the time in force which has been finally approved by Government, or in the amount payable by the Board under a decree or award of a Court :

Provided that in any case of pressing emergency a sum not exceeding [3][ten thousand rupees] may be expended though not so included, the circumstances being forthwith reported by the Chairman to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

1. Inserted by Act II of 1952.
2. The word "Council" was substituted for the word "Commission" by Act II of 1909.
3. Substituted by Act II of 1952.

Accounts to be audited and examined by officer or authority appointed by the Government for this purpose and submitted to Government. An abstract of the accounts to be furnished to the Municipal Council.

33. The accounts of the receipts and expenditure of the Board shall be audited and examined by the [1][officer or authority appointed by the Government for this purpose] in the same manner as the accounts of Government Departments, and shall, twice in every year, be laid before Government. An abstract of the audited accounts for each year shall be sent to the President of the Municipal [2]Council.

CHAPTER V.

OF THE OFFICERS AND SERVANTS OF THE BOARD.

Schedule of officers and servants to be submitted for sanction of Government.

34. The Board shall from time to time prepare and submit for the sanction of Government a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board propose for each such officer or servant. No alteration in the sanctioned schedule shall be made without the sanction of Government.

Appointments, etc., by whom to be made.

35. (1) Subject to the provisions of the bye-laws framed under sub-section (*c*) of section 39 (1) and of the schedule for the time being in force sanctioned by the Government under section 34, the power of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to the officers and servants of the Board (not being officers in Government service lent to the Board) shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed [1][one hundred and fifty rupees], and in every other case by the Board.

---

1. Substituted by Act II of 1952.
2. The word "Council" was substituted for the word "Commission" by Act II of 1909.

(*Chapter VI—Dissolution of the Board*)

[1][Provided that in the case of officers in Government service lent to the Board, the Chairman may exercise the powers of sanctioning or withholding increments, fining or suspending, and shall report the fact to the Head of the Department of Government to which such officers belong.]

(2) The power of dispensing with the services of any officer or servant of the Board (not being an officer in Government service lent to the Board), otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

The case of lent officers.

36. Officers in Government service lent to the Board shall except as otherwise provided under rules or orders which may be made by Government from time to time, be subject to the provisions in this behalf contained in the Mysore Services Regulations.

CHAPTER VI.

DISSOLUTION OF THE BOARD.

Government may dissolve the Board when the purpose of their appointment is fulfilled.

37. (1) When the Government is satisfied that all such improvement schemes as may have been sanctioned by it from time to time for execution by the Board have been executed by the Board in substantial entirety, and that such further measures as may be necessary in the near future for the improvement of the City may conveniently be undertaken under the ordinary provisions of the Municipal Law in force, the Government may, by an order to be published in the [2][*Mysore Gazette*,] declare that the Board shall be dissolved with effect from a date to be specified in such order.

Matters to be dealt with in the order for dissolution.

(2) Such order shall make due provision for the devolution of the assets and liabilities of the Board, the disposal or management of property vested in the Board, the completion of incomplete works, and all other matters

1. Proviso to sub-section (1) of section 36 added by Act II of 1952.
2. Substituted by Act II of 1952.

incidental to the dissolution of the Board and the winding up of their affairs :

Vesting of immovable property.

Provided that all immovable properties vested in the Board on the date of their dissolution and not expressly reserved to Government in the said order shall thereafter vest in the Municipal [1]Council.[2]

CHAPTER VII.

RULES AND BYE-LAWS, PENALTIES, ETC.

Power of Government to make rules.

38. The Government may from time to time make rules, not inconsistent with this Act,

(*a*) for the guidance of the Board, the Municipal [1][Council, [2][Government Officers and all other persons in matters connected with the administration of this Act or in case not expressly provided for herein.[3]

[4][(*b*) For the delegation by the Chairman of any of his powers, duties or functions under this Act or any rule made thereunder except those conferred by or imposed upon or vested in him by sections 9, 12, 28, 32 and 45 and for the conditions or limitations subject to which such delegation may be made and]

[5](*c*) generally for carrying out the purposes of this Act.

Power of Board to make bye-laws.

39. (1) The Board may from time to time make bye-laws, not inconsistent with this Act or with the rules made by Government—

(*a*) for regulating the delegation of the powers and duties of the Board to Committees;

(*b*) for the guidance of persons employed by them under this Act;

(*c*) for regulating the grant of leave, leave allowances, pensions and gratuities, and other such matters, in respect of the officers and servants of the Board,

---

1. The word "Councillors" was substituted for the word "Commissioners" by Act II of 1909.
2. The word "Council" was substituted for the word "Councillors" by Act II of 1952.
3. The word "and" omitted by Act II of 1952.
4. Sub-section (b) of section 38 inserted by Act II of 1952.
5. Clause (b) of section 38 relettered as clause (c) by Act II of 1952.

not being officers in Government service lent to the Board ;

(*d*) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme ;

(*e*) for regulating the construction and reconstruction of buildings in regard to such matters as the following, namely, the notice to be given previous to erection, the plans to be submitted, the line of frontage with neighbouring buildings, the free space to be left about the building, the level and width of foundation, the stability of structure, the materials to be used, and the provision to be made for drainage and ventilation ; and

[1][*e-i*) for the forming of extensions or lay-outs and the laying-out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets ; and for regulating the level and width of streets and the height of buildings abutting thereon ;]

(*f*) generally for carrying out the purposes of this Act.

(2) No bye-law shall have effect until the same shall have been approved by Government, and no bye-law shall be approved by Government until the same shall have been published for three weeks successively in the [2][*Mysore Gazette.*]

(3) It shall be lawful for Government at any time to cancel any bye-law made and published under this section.

Penalties for infringement of rules and bye-laws.

40. The Government, and with the approval of the Government, the Board may, in the rules and bye-laws made respectively, under sections 38 and 39, prescribe such penalties as it or they shall deem fit for the infringement of the same ; provided that no penalty for any one infringement of a rule or bye-law shall exceed one hundred rupees nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

1. Inserted by Act II of 1952.
2. Substituted by Act II of 1952.

Rules and bye-laws to be exhibited.

41. The said rules and bye-laws shall be printed in the English and Kannada languages and hung up at convenient places.

Penalty for permitting overcrowding, etc.

[1][**41-A.** Any owner of a building who, after the date specified in any requisition issued under sub-section (3) of section 20-A[2], permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (5) of the said section, shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.]

Penalty for being interested in contracts with the Board.

42. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code :

Proviso.

Provided that a person shall not be deemed to have any share or interest in such contract or employment by reason only of his having a share or interest in any of the matters mentioned in sub-clauses (i), (ii) and (iii) of section 8 (1) (*d*).

Penalty for obtaining illegal gratification.

43. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall, accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever other than legal remuneration, as a reward for doing, or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice to any person, with the Board or with any public servant as such, or with Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

Cognizance of offence.

44. (1) All offences against this Act or against any rule or bye-law made thereunder shall be cognizable by

1. This section was add d by of Act IV of 1904.
2. Sic. should be "section 20-B".

any Magistrate with powers not less than those of a Magistrate of the Second Class.

(2) All fines recovered from any offender shall be paid to the credit of the City of Mysore Improvement Fund. Fines to be credited to Improvement Fund.

45. [1][Save as otherwise provided in section 18-H all sums due] by any person to the City of Mysore Improvement Fund on account of rents, profits, or sale proceeds of property vested in or acquired by the Board, or on account of advances for house-building, or otherwise howsoever, and remaining in arrear after fifteen days from the date of service on such person of a notice of demand by the Chairman, may be recovered in any one or more of the following ways, namely:— Recovery of sums due to the improvement Fund.

(1) as an arrear of land revenue, on the written application of the Chairman in this behalf to the Deputy Commissioner of any district in which proceedings are required to be taken;

(2) by distraint and sale, by or under the orders of the Chairman, of the movable property of such person; and

(3) by the institution by the Chairman, of a civil suit against such person.

46. (1) No suit or other proceeding shall be commenced [1][against the Board, the Chairman or any officer or servant of the Board or against any person acting under the direction of the Board, Chairman or officer of the Board,] for anything done, or purporting to have been done, in pursuance of this Act or a rule or bye-law thereunder, without giving to [1][the Board] one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding, nor after tender of sufficient amends. Limitation of suits.

(2) Neither the Board nor any Trustee or officer or servant of the Board shall be liable to be sued for damages for any act *bona fide* done or ordered to be done by them or him as such in pursuance of this Act or a rule or bye-law thereunder. Bar of suit for damages in certain cases.

---

1. Substituted by Act II of 1952.